



PATENT APPLICATION

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3/30/04
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paul O. Sheppard, Debra G. Gilbertson
Serial No. : 10/010,050
Filed : November 9, 2001
For : SECRETED PROTEINS ENCODED BY HUMAN
CHROMOSOME 13

Examiner : Mitra, R.
Art Unit : 1653
Docket No. : 97-38C1
Date : March 30, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated February 25, 2004, please extend the period of time for response one month, from March 25, 2004 to April 25, 2004. Enclosed are a Request for Extension of Time and the requisite fee.

The Office Action sets forth a restriction requirement under 35 USC §121. Applicants were requested to elect one of four designated groups as briefly noted below:

I. Claims 1-11 and 20, drawn to an isolated polypeptide comprising an amino acid sequences that is at least 80% identical in amino acid sequence to residues 31-346 of SEQ ID NO:2, at least 90% identical in amino acid sequence to residues 29-346 of SEQ ID NO:2, comprising residues 1-346 of SEQ ID NO:2; fragments of amino acid sequence of SEQ ID NO:2; fusion protein, a pharmaceutical composition

comprising the polypeptide of claim 1; classified in class 530, subclass 350; class 435, subclass 69.7.

II. Claims 12-19 and 23-32, drawn to an expression vector comprising the operably linked elements such as: a promoter, terminator and a DNA segment encoding a polypeptide comprising an amino acid sequence that is at least 80% identical in amino acid sequence to residues 31-346 of SEQ ID NO:2, at least 90% identical in amino acid sequence to residues 29-346 of SEQ ID NO:2, comprising residues 1-346 of SEQ ID NO:2; a cultured cell into which has been introduced an expression vector of claim 13; a method of producing a polypeptide by culturing the cell of claim 18, an isolated polynucleotide encoding a polypeptide comprising an amino acid sequence that is at least 80% identical in amino acid sequence to residues 31-346 of SEQ ID NO:2, at least 90% identical in amino acid sequence to residues 29-346 of SEQ ID NO:2, comprising residues 1-346 of SEQ ID NO:2; fragments of nucleic acid sequence of SEQ ID NO:1; an isolated polynucleotide encoding fusion protein; classified in class 435, subclass 69.1, 69.7, 320.1, 252.3; class 536, subclass 23.1, 23.5; class 530, subclass 350.

III. Claims 21 and 22, drawn to an antibody and a binding protein that specifically binds to an epitope of a polypeptide comprising a sequence of amino acid residues that is at least 80% identical in amino acid sequence to residues 31-346 of SEQ ID NO:2; classified in class 530, subclass 387.1.

IV. Claim 33, drawn to a method for detecting a genetic abnormality in a patient using a nucleotide sequence of SEQ ID NO:1; classified in class 536, subclass 23.1, 24.1, 24.3; class 435, subclass 6.

In response to the Requirement for Restriction Election, Applicants elect Group II, claims 12-19 and 23-32, drawn to polynucleotides, expression vectors, cells, and methods of producing a polypeptide, without traverse. Claims 1-11, 20-22, and 33 are withdrawn from consideration in this case; however, Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants: Sheppard et al.

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Early reconsideration and allowance of the pending claims (as indicated in the accompanying Preliminary Amendment) under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6540.

Respectfully Submitted,



Brian J. Walsh
Registration No. 45,543

Enclosures:

Petition and Fee for Extension of Time (in duplicate)
Preliminary Amendment
Amendment Fee Transmittal (in duplicate)
Postcard